

PHILLIP A. TALBERT
United States Attorney
NICHOLAS M. FOGG
Assistant United States Attorney
501 I Street, Suite 10-100
Sacramento, CA 95814
Telephone: (916) 554-2700
Facsimile: (916) 554-2900

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

EDISON SMALL,

Defendant.

CASE NO. 2:22-CR-00218 DJC

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on April 24, 2023. Time was excluded under Local Code T4 until April 24, 2023.

2. On April 6, 2023, Chief Judge Mueller vacated that date and reassigned the case to Judge Calabretta.

3. By this stipulation, defendant now moves to set a status conference for May 18, 2023, at 9:00 a.m., and to exclude time between April 24, 2023, and May 18, 2023, under Local Code T4.

4. The parties agree and stipulate, and request that the Court find the following:

a) The government has represented that the discovery associated with this case includes over 25,000 items including multiple surveillance videos, phone records, and reports.

1 All of this discovery has been either produced directly to counsel.

2 b) Counsel for defendant desires additional time to review discovery and review a
3 plea offer with his client.

4 c) Counsel for defendant believes that failure to grant the above-requested
5 continuance would deny him/her the reasonable time necessary for effective preparation, taking
6 into account the exercise of due diligence.

7 d) The government does not object to the continuance.

8 e) Based on the above-stated findings, the ends of justice served by continuing the
9 case as requested outweigh the interest of the public and the defendant in a trial within the
10 original date prescribed by the Speedy Trial Act.

11 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
12 et seq., within which trial must commence, the time period of April 24, 2023 to May 18, 2023,
13 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
14 because it results from a continuance granted by the Court at defendant's request on the basis of
15 the Court's finding that the ends of justice served by taking such action outweigh the best interest
16 of the public and the defendant in a speedy trial.

17 5. Nothing in this stipulation and order shall preclude a finding that other provisions of the
18 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
19 must commence.

20 IT IS SO STIPULATED.

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22 Dated: April 11, 2023

PHILLIP A. TALBERT
United States Attorney

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25 /s/ NICHOLAS M. FOGG
NICHOLAS M. FOGG
Assistant United States Attorney
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Dated: April 11, 2023

/s/ DOUGLAS BEEVERS
DOUGLAS BEEVERS
Counsel for Defendant
EDISON SMALL

ORDER

IT IS SO FOUND AND ORDERED this 12th day of April, 2023.

/s/ Daniel J. Calabretta
THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE